



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,250	03/23/1999	TOSHINAO KOMURO	21.1908	8151

21171 7590 04/24/2002

STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001

EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/274250

Applicant(s)

Komocho

Examiner

Sax

Group Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 1/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-20 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 2-20 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 1/02 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number)
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received:

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other

Office Action Summary

Art Unit: 2174

DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-3 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Blades et al (5420975).
4. Regarding claims 2-3 and 16, see in Blades et al: the abstract, Figures 4A, 4B (note element 78 in particular), 4C, 4E, column 1 lines 46-68, column 2 lines 1-5 (note the altering of the display based on the counter and its updates), column 2 lines 58-68, column 3 lines 1-27 (note the dimming, intensity change, and color change ways of indicating the importance, as well as the various thresholds that are used), column 4 lines 1-22 (again, note the use of thresholds). This shows the display viewer with images, the definition management which stores a number of times the display of any image such as a menu option has been accessed by an associated unique identifying information (a menu option is selected with an input device specifically referring to it

Art Unit: 2173

and its location, and a counter is updated to reflect the number of times it is selected. Also, the number of times is noted with respect to a specific threshold). An importance degree control unit (counter) counts a number of times of display of any image accessed and outputs the number for storage. The system alters the display to reflect an importance degree mark when the threshold is exceeded. A displayable image serves as a counting object (such as a dimming of an object, or an increased intense background, or the creation of a blank space where there would otherwise be a menu option, for example).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blades et al (5420975) in view of Nielsen (5854630).

7. Regarding claims 4-5, this is the invention noted above and shown to be represented in Blades et al, only this is done specifically for URL options. Blades et al may not specifically show the web page viewer in which the menu options are in fact URL address options, but do show the viewer which tracks menu options for selection of a variety of images and applications.

Art Unit: 2173

Furthermore, it is quite common in the art and industry to use a viewer to select images and applications over the Web. In fact, the Web is a convenient image and application repository to use, and is especially suited to a system that would track the options selected. Such a network to use with the tracking ability of Blades et al would allow efficient image and application selection and access. Nielsen shows a web browser which selects and accesses images and applications efficiently because it uses a menu option (menu options on the browser, as well as the URLs themselves) tracking system. See: the abstract, Figures 5, 6C-D (for example), 8, column 2 lines 10-52, column 3 lines 39-68, column 5 lines 19-68. It would have been obvious to a person with ordinary skill in the art to have the menu options be URL addresses and thus the viewer be viewing web pages, because it would be a convenient way for efficient selection and access of image and application menu options, in a system that tracks menu options for efficient selection and access of images and applications.

8. Regarding claims 6-8, note again column 3 lines 5-16. Note the color density indication. See lines 15-20 and note the automatic updating of these indications. Thus, the counter and its corresponding responses cause changes, additions and deletions of menu option information on the display.

9. Regarding claims 9-12, options that have exceeded the threshold are registered also in that it is noted and the note creates an effect on the display. Different options are deleted or replaced

Art Unit: 2173

thus changing the sequence and noted 'registration.' Implicitly, when a URL is selected in Nielsen or any browser, this calls up the web page.

10. Claims 13-15 and 17-20 show the same features as above and are rejected for the same reasons. Note also that the indications shown on the display, such as when thresholds are exceeded, is a way of notifying users.

11. Applicant's arguments filed have been fully considered but they are not persuasive.

~~Blades and Nielsen are noted, and applicants admit how Blades disclose the threshold values.~~

Multiple threshold values are used. Applicants may describe to what the invention is directed, but note that this description is not explicitly in the claim recitation. The invention as claimed is shown in the art as described above.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2173

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3909.


STEVEN SAX
PRIMARY EXAMINER